



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

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1594 West North Temple, Suite 1210

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August 22, 1997

Clay W. Stucki
111 East Broadway, Suite 900
Salt Lake City, Utah 84111

Re: Acceptance of Notice of Intention to Commence Small Mining Operations, Robert L. & Julie Clark, Number 1 Clark Mine, S/015/074 (ML 43181), Emery County, Utah

Dear Mr. Stucki:

Thank you for the supplemental information entitled "First Amendment to the Notice of Intent to Commence Small Mining Operations," received by the Division on August 7, 1997, on behalf of Robert and Julie Clark. This supplemental information was in response to the Division letter of December 24, 1996. With this supplemental information, the small mining notice for the proposed Number 1 Clark Mine located in Section 2, T23S, R6E, SLBM, **is complete and no additional information is required by the Division at this time.**

The original small mine notice requested variances from four items under minerals rule heading R647-3-109 Reclamation Practices. The four reclamation practices and Division's responses to the variances requested are listed below.

Rule R647-3-109. Reclamation Practices

4. *Deleterious materials - All deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.*

Under the amended mine notice the coal refuse piles, red dog areas will not be disturbed (other than the road which crosses over coal refuse piles). The location and extent of the coal refuse and red dog areas have been adequately documented as pre-existing disturbances, and therefore, the Division does not consider this operator (Robert & Julie Clark) as the party responsible for removal, isolation or neutralization of these materials.

7. *Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.*

The highwalls at the mine portal area have been adequately documented as pre-existing disturbances which were not created by this operator, therefore, the Division will not require these highwalls to be backfilled or cut back to a 45 degree angle. The Division will require the

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installation of a safety berm or boulder fence to prevent access to the base of the highwall area as part of final reclamation under this small mine notice.

11. *Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.*

The Division will not require this operator to remove or bury the structures which have been identified within the small mining notice area as pre-existing.

13. *Revegetation - the species seeded shall include adaptable perennial species that will grow ...
Revegetation shall be considered accomplished when:
13.11 The revegetation has achieved 70 percent of the premining vegetative ground cover ...
13.12 the Division determines that the revegetation work has been satisfactorily completed within practical limits; ...*

The Division will not require this operator to achieve the success standard of 70% of premining (or adjacent undisturbed area) vegetative cover for those areas devoid of topsoil material. These areas devoid of topsoil are the existing coal refuse piles as identified in the amended notice. Areas of new disturbance or areas with available topsoil will be required to meet this revegetation success standard.

For clarification, Section A3 of the amendment submission states one adit will be used, although later in the same paragraph reference is made to the use of adits. The most likely mining scenario is to use two of the existing mine portals and workings. It is likely that one portal would be used for access and ore removal, and the other portal would be used for ventilation and as a secondary escapeway.

As an added note of clarification, the Division does not usually require the reclamation of existing roads; however, roads which have been widened or lengthened would need to be reclaimed to their pre-existing state. In this case, SITLA may request the full reclamation of the section of road which loops up to the mine portals and back down to the access road.

Please be advised that in addition to the Division's completeness determination you will need approval from SITLA prior to conducting mining. If you wish to expand this operation beyond the five acre limitation, please notify the Division as soon as possible to discuss the necessary permitting requirements. Thank you for your cooperation.

Sincerely,



Anthony A. Gallegos
Senior Reclamation Specialist

jb
cc: John Blake, SITLA (ML-43181)
Robert Clark, operator
s15-74am.noi

TRANSACTION REPORT

P. 01

AUG-27-97 WED 09:42 AM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
AUG-27	09:41 AM	2371950	1'20"	2	SEND	(M) OK	000	

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Post-it® Fax Note	7671	Date	8-27-97	# of pages	2
To	Clay Stucki	From	Tony Galligan		
Co./Dept.		Co.	DOG M		
Phone #		Phone #	538-5267		
Fax #	237-1950	Fax #	359-3940		

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